

REFERENCE TITLE: **concealed weapons permits; issuance; conditions**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2077

Introduced by
Representatives Gray C, Nelson, Pearce, Smith, Senator Martin:
Representative Murphy, Senators Harper, Johnson

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO CONCEALED WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Concealed weapons; qualification; application; permit
5 to carry; certificate of firearms proficiency;
6 training program; program instructors; report;
7 applicability; violation; classification

8 A. The department of public safety shall issue a permit to carry a
9 concealed weapon to a person who is qualified under this section. The person
10 shall carry the permit at all times when the person is in actual possession
11 of the concealed weapon and shall present the permit for inspection to any
12 law enforcement officer on request.

13 B. A person who fails to carry the permit at all times that the person
14 is in actual possession of a concealed weapon may have the permit suspended.
15 The department of public safety shall be notified of all violations of this
16 section and shall immediately suspend the permit. The permittee shall
17 present the permit to the law enforcement agency or the court. On
18 notification of the presentation of the permit, the department shall restore
19 the permit.

20 C. The permit of a person who is arrested or indicted for an offense
21 that would make the person unqualified under the provisions of section
22 13-3101, subsection A, paragraph 6 or this section shall be immediately
23 suspended and seized. The permit of a person who becomes unqualified on
24 conviction of that offense shall be revoked. The permit shall be restored on
25 presentation of documentation from the court if the permittee is found not
26 guilty or the charges are dismissed. The permit shall be restored on
27 presentation of documentation from the county attorney that the charges
28 against the permittee were dropped or dismissed.

29 D. A person who fails to present a permit for inspection on the
30 request of a law enforcement officer is guilty of a class 2 misdemeanor. A
31 person shall not be convicted of a violation of this subsection if the person
32 produces to the court a legible permit that is issued to the person and that
33 was valid at the time the violation of this subsection occurred.

34 E. The department of public safety shall issue a permit to an
35 applicant who meets all of the following conditions:

- 36 1. Is a resident of this state or a United States citizen.
- 37 2. Is twenty-one years of age or older.
- 38 3. Is not under indictment for and has not been convicted in any
39 jurisdiction of a felony.
- 40 4. Does not suffer from mental illness and has not been adjudicated
41 mentally incompetent or committed to a mental institution.
- 42 5. Is not unlawfully present in the United States.
- 43 6. Satisfactorily completes EITHER a firearms safety training program
44 approved by the department of public safety pursuant to subsection 0 of this
45 section OR EIGHT HOURS OF FIREARMS TRAINING THAT IS TAUGHT BY AN INSTRUCTOR

1 WHO HAS BEEN CERTIFIED BY THE NATIONAL RIFLE ASSOCIATION OF AMERICA. This
2 paragraph does not apply to:

3 (a) A person who is an active duty Arizona peace officer standards and
4 training board certified or federally credentialed peace officer or who is
5 honorably retired as a federal, state or local peace officer with a minimum
6 of ten years of service.

7 (b) A person who is an active duty county detention officer and who
8 has been weapons certified by the officer's employing agency.

9 (c) A PERSON WHO HOLDS A VALID CONCEALED WEAPONS PERMIT FROM ANOTHER
10 STATE THAT IS RECOGNIZED BY THIS STATE UNDER SUBSECTION U OF THIS SECTION.

11 F. The application shall be completed on a form prescribed by the
12 department of public safety. The form shall not require the applicant to
13 disclose the type of firearm for which a permit is sought. The applicant
14 shall attest under penalty of perjury that all of the statements made by the
15 applicant are true. The applicant shall submit the application to the
16 department with a certificate of completion from an approved firearms safety
17 training program, two sets of fingerprints and a reasonable fee determined by
18 the director of the department.

19 G. On receipt of a concealed weapon permit application, the department
20 of public safety shall conduct a check of the applicant's criminal history
21 record pursuant to section 41-1750. The department of public safety may
22 exchange fingerprint card information with the federal bureau of
23 investigation for federal criminal history record checks.

24 H. The department of public safety shall complete all of the required
25 qualification checks within sixty days after receipt of the application and
26 shall issue a permit within fifteen working days after completing the
27 qualification checks if the applicant meets all of the conditions specified
28 in subsection E of this section. If a permit is denied, the department of
29 public safety shall notify the applicant in writing within fifteen working
30 days after the completion of all of the required qualification checks and
31 shall state the reasons why the application was denied. On receipt of the
32 notification of the denial, the applicant has twenty days to submit any
33 additional documentation to the department. On receipt of the additional
34 documentation, the department shall reconsider its decision and inform the
35 applicant within twenty days of the result of the reconsideration. If
36 denied, the applicant shall be informed that the applicant may request a
37 hearing pursuant to title 41, chapter 6, article 10.

38 I. On issuance, a permit is valid for five years, except a permit that
39 is held by a member of the United States armed forces, including a member of
40 the Arizona national guard or a member of the reserves of any military
41 establishment of the United States, who is on federal active duty and who is
42 deployed overseas shall be extended until ninety days after the end of the
43 member's overseas deployment.

44 J. The department of public safety shall maintain a computerized
45 permit record system that is accessible to criminal justice agencies for the

1 purpose of confirming the permit status of any person who claims to hold a
2 valid permit issued by this state. This information shall not be available
3 to any other person or entity except on an order from a state or federal
4 court.

5 K. Notwithstanding subsection J of this section, it is a defense to
6 any charge for carrying a deadly weapon without a permit by a member of the
7 United States armed forces, including a member of the Arizona national guard
8 or a member of the reserves of any military establishment of the United
9 States, if the member was on federal active duty at the time the permit
10 expired and the member presents documentation indicating release from active
11 duty or reassignment from overseas deployment within the preceding ninety
12 days.

13 L. A permit issued pursuant to this section is renewable every five
14 years. Before a permit may be renewed, a criminal history records check
15 shall be conducted pursuant to section 41-1750 within sixty days after
16 receipt of the application for renewal. For the purposes of the first permit
17 renewal only, the permit holder is required to submit additional fingerprints
18 pursuant to this subsection. For the purposes of the second or subsequent
19 permit renewal, the permit holder is not required to submit additional
20 fingerprints pursuant to this subsection.

21 M. Applications for renewal shall be accompanied by a fee ~~determined~~
22 ~~by the director of the department of public safety~~ OF NOT MORE THAN
23 SIXTY-FIVE DOLLARS. A certificate of completion of a two-hour refresher
24 firearms safety training program approved by the director of the department
25 is required before a renewal permit may be issued and shall accompany an
26 application for renewal.

27 N. The department of public safety shall suspend or revoke a permit
28 issued under this section if the permit holder becomes ineligible pursuant to
29 subsection E of this section. The department of public safety shall notify
30 the permit holder in writing within fifteen working days after the revocation
31 or suspension and shall state the reasons for the revocation or suspension.

32 O. An organization shall apply to the department of public safety for
33 approval of its firearms safety training program. The department shall
34 approve a program that meets the following requirements:

- 35 1. Is at least eight hours in length.
- 36 2. Is conducted on a pass or fail basis.
- 37 3. Addresses all of the following topics in a format approved by the
38 director of the department:
 - 39 (a) Legal issues relating to the use of deadly force.
 - 40 (b) Weapon care and maintenance.
 - 41 (c) Mental conditioning for the use of deadly force.
 - 42 (d) Safe handling and storage of weapons.
 - 43 (e) Marksmanship.
 - 44 (f) Judgmental shooting.

1 4. Is conducted by instructors who submit to a background
2 investigation, including a check for warrants and a criminal history records
3 check.

4 P. If approved pursuant to subsection 0 of this section, the
5 organization shall submit to the department of public safety two sets of
6 fingerprints from each instructor and a fee to be determined by the director
7 of the department of public safety. On receipt of the fingerprints and fee,
8 the department of public safety shall conduct a check of each instructor's
9 criminal history record pursuant to section 41-1750. The department of
10 public safety may exchange this fingerprint card information with the federal
11 bureau of investigation for federal criminal history record checks.

12 Q. The proprietary interest of all approved instructors and programs
13 shall be safeguarded, and the contents of any training program shall not be
14 disclosed to any person or entity other than a bona fide criminal justice
15 agency, except upon an order from a state or federal court.

16 R. If the department of public safety rejects a program, the rejected
17 organization may request a hearing pursuant to title 41, chapter 6,
18 article 10.

19 S. The department of public safety shall maintain information
20 comparing the number of permits requested, the number of permits issued and
21 the number of permits denied. The department shall annually report this
22 information to the governor and the legislature.

23 T. The director of the department of public safety shall adopt rules
24 for the purpose of implementing and administering the concealed weapons
25 permit program including fees relating to permits and certificates that are
26 issued pursuant to this section.

27 U. The department of public safety shall enter into reciprocal
28 agreements with states that have concealed weapons laws substantially similar
29 to this section for the purpose of establishing a basis under which a
30 concealed weapons license or permit that is issued by either state may be
31 used by the licensee or permittee within the jurisdiction of either state.
32 If another state requires this state to enter into a reciprocal agreement
33 before accepting a concealed weapons permit issued in this state, the
34 department of public safety shall enter into the agreement if the issuing
35 authority for the other state:

36 1. Issues a permit with an expiration date printed on the permit.

37 2. Is available to verify the permit status for law enforcement
38 purposes within three business days of a request for verification.

39 3. Has disqualification, suspension and revocation requirements for
40 concealed weapons permits.

41 4. Requires that an applicant for a concealed weapons permit meet all
42 of the following conditions:

43 (a) Submits to a criminal history records check.

44 (b) Is not prohibited from possessing firearms pursuant to federal
45 law.

1 (c) Satisfactorily completes a firearms safety program.

2 V. Notwithstanding subsection U of this section, unless a person would
3 be a prohibited possessor in this state, a person who is a resident of
4 another state and who is temporarily in this state may carry a concealed
5 weapon in this state without a permit issued pursuant to this section if both
6 of the following apply:

7 1. The person is legally in this state.

8 2. The person presents a valid concealed weapons permit from another
9 state on the request of a law enforcement officer if the issuing authority
10 for the other state:

11 (a) Issues a permit with an expiration date printed on the permit.

12 (b) Has disqualification, suspension and revocation requirements for
13 concealed weapons permits.

14 (c) Requires that an applicant for a concealed weapons permit meet all
15 of the following conditions:

16 (i) Submits to a criminal history records check.

17 (ii) Is not prohibited from possessing firearms pursuant to federal
18 law.

19 (iii) Satisfactorily completes a firearms safety program.

20 W. Notwithstanding the provisions of this section, a person with a
21 concealed weapons permit from another state may not carry a concealed weapon
22 in this state if the person is under twenty-one years of age or is under
23 indictment for, or has been convicted of, a felony offense in any
24 jurisdiction, even if the person's rights have been restored and the
25 conviction is expunged, set aside or vacated.

26 X. The department of public safety may issue certificates of firearms
27 proficiency according to the Arizona peace officer standards and training
28 board firearms qualification for the purposes of implementing the law
29 enforcement officers safety act of 2004 (P.L. 108-277; 118 STAT. 865;
30 18 UNITED STATES CODE SECTIONS 926B AND 926C).